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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,654	02/23/2004	Anthony J. Newbill		2357

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EXAMINER

SKURDAL, COREY NELSON

ART UNIT

PAPER NUMBER

3782

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 5 line 2 has an extra period after the term "displacement.."

Appropriate correction is required.

Claim Objections

2. Claim 4 is objected to because of the following informalities: line 1 contains the phrase "including a lock moveable mounted"; the phrase should read, "including a lock moveably mounted." Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincart (US 5,806,739) in view of Doyle (US 6,514,980) and Pride (US 6,116,633).

Regarding claim 1, Kincart (Figure 1A) discloses a support structure for a vehicle spare wheel carrier having an arm 62 movable about a vertical axis comprising: an elongate base at 80, attachment means 84 for securing the base to the vehicle transversely of the center line, and a fastener assembly having a pin 44 engageable with aperture 70 and locking means 100 for securing the arm in a stowed position parallel to said base member. Kincart does not have a latching assembly with a ball

Art Unit: 3727

and hemispherically shaped end for reception of the ball member. However, Doyle teaches the use of a common ball and hitch latching assembly with ball member 14, and housing 20 with a partially hemispherically shaped end for reception of the ball member. The ball and hitch assembly is old and well known in the art, and is commonly used to attach an auxiliary carrier to a vehicle. Also old and well known in the art is the use of a pin and aperture for attaching an auxiliary carrier to a vehicle. For example, Pride teaches the use of a hitch member with ball attachment means 30 or pin attachment means 17 (col. 1 lines 1-10). Therefore, it would have been obvious to one skilled in the art at the time of invention, to use the ball and hitch latch assembly of Doyle in place of the pin attaching means disclosed by Kincart in order to provide more secure and safe arm attachment means, as motivated by the teaching of Pride showing the equivalence of ball attachment means with latching assembly and pin attachment means.

Regarding claim 2, the modified Kincart discloses the claimed invention as applied to claim 1 above, wherein the bumper 40 is considered a base for attachment to the vehicle on which the ball member of Doyle would be mounted at plate 42.

Regarding claim 3, the modified Kincart device discloses the claimed invention with curved wall segment 20' formed in the hemispherical housing (Figure 2 Doyle).

Regarding claim 4, the modified Kincart device discloses the claimed invention with a lock 22 moveably mounted in the housing, and a handle 30 coupled to the lock for being the lock into abutment with the ball member (Doyle col. 2 lines 54-65).

Regarding claim 5, the modified Kincart device discloses the claimed invention with safety latch 34 for securing and preventing movement of the handle 30.

Regarding claim 6, the modified Kincart device discloses the claimed invention as applied to claim 1 above, including the latch assembly of Doyle with ball member 14, housing 20 engageable with the ball member, and a lock 22 for confining the ball member in the claimed abutment.

Regarding claim 7, the modified Kincart device discloses the claimed invention wherein the partially hemispherical end of housing (Doyle Figure 2) merges with a curved wall segment 20' on the interior of the housing, such that the ball member and the curved wall segment are formed on the like radii preventing displacement of the housing.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Curtis (US 6,363,629) discloses a mount for the front of vehicle using a ball and hitch attachment means.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3727

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CNS
9/25/2006


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